
DETERMINATION OF SENSITIVITY OF UNCLASSIFIED INFORMATION



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U.S. Department of Energy
Assistant Secretary for Human Resources and Administration
Deputy Assistant Secretary for Information Management
Office of Policy, Plans, and Oversight

DEPARTMENT OF ENERGY (DOE) GUIDELINE FOR THE DETERMINATION OF SENSITIVITY OF UNCLASSIFIED INFORMATION

Public Law 100-235, "*COMPUTER SECURITY ACT OF 1987*," requires that each Federal agency identify Federal computer systems that contain sensitive unclassified information.

The Department of Energy (DOE) is required by the "*COMPUTER SECURITY ACT OF 1987*" to identify each Federal computer system¹, and system under development, which is within or under the supervision of DOE and which contains sensitive unclassified information². Sensitive unclassified information at DOE requires protection commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to or modification of this type of information.

All unclassified information at the Department of Energy requires some level of protection from unauthorized disclosure, modification, and loss. Sensitive unclassified information requires additional security controls to adequately protect the information. Different categories of sensitive unclassified information may require different protection measures. Sensitive unclassified information may need protection for one or more of the following reasons:

- . **Confidentiality** - if the application processes information that requires protection from unauthorized disclosure;
- . **Integrity** - if the application processes information which must be protected from unauthorized or unintentional modification or misuse; and
- . **Availability** - if the application processes information which must be available on a timely basis to meet mission-essential requirements or to avoid substantial losses.

DOE or DOE-contractor management officials, information and/or application owners, or system/application users should determine the sensitivity of the unclassified information that they use, including information that must be available to fulfill a Departmental or site/organization

¹ The term **Federal computer system** means a computer system operated by a Federal agency or by a contractor of a Federal agency or other organization that processes information (using a computer system) on behalf of the Federal Government to accomplish a Federal function; and includes automatic data processing equipment as the term is defined in section 111(a)(2) of the Federal Property and Administrative Services Act of 1949.

² The term **sensitive unclassified information** means any information, the loss, misuse, or unauthorized access to or modification of which could adversely affect the national interest or the conduct of Federal programs, or the privacy to which individuals are entitled under section 552a of title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

mission. Once the sensitivity of unclassified information has been identified, the necessary controls and procedures should be determined to satisfy appropriate protection requirements.

Application owners are required to participate in the development of contingency plans for all applications determined to process mission-essential information as required by Office of Management and Budget (OMB) Circular A-130, "*MANAGEMENT OF FEDERAL INFORMATION RESOURCES*." Application owners are also required to participate in the identification of security controls for applications that process sensitive unclassified information and assist in the remainder of the certification process for their sensitive applications.

The following, "*DETERMINATION OF SENSITIVITY OF UNCLASSIFIED INFORMATION QUESTIONNAIRE*," is a checklist questionnaire designed to assist DOE or DOE-contractor management officials, information and/or application owners, or system/application users in determining the level of sensitivity of the information on unclassified DOE systems. Application owners should use the completed questionnaire to determine if any additional security controls are needed to properly protect the sensitive unclassified information. The questionnaire is structured so that an application owner may identify various types of sensitive unclassified information.

**DETERMINATION OF SENSITIVITY OF UNCLASSIFIED INFORMATION
QUESTIONNAIRE/CHECKLIST**

1. PRIVACY INFORMATION (PRIVACY ACT OF 1974, DOE ORDER 1800.1A)

If you answer "YES" to any question in this category, the information should be considered sensitive. If there is doubt as to the sensitivity of information, consult with the Department Privacy Act Officer or local equivalent. [NOTE: Some states may consider salary and employment-related information for DOE contractors who are employees of state universities to be public information.]

Does the information relate to an individual's:

	YES	NO
• salary data?	<input type="checkbox"/>	<input type="checkbox"/>
• fringe benefits information?	<input type="checkbox"/>	<input type="checkbox"/>
• terms of employment (including performance/disciplinary records)?	<input type="checkbox"/>	<input type="checkbox"/>
• academic/educational history?	<input type="checkbox"/>	<input type="checkbox"/>
• arrest/criminal investigation history?	<input type="checkbox"/>	<input type="checkbox"/>
• employment history (general and security/clearance information)?	<input type="checkbox"/>	<input type="checkbox"/>
• biographical history?	<input type="checkbox"/>	<input type="checkbox"/>
• social security information?	<input type="checkbox"/>	<input type="checkbox"/>
• symbolic identification codes (e.g., passwords, user IDs)?	<input type="checkbox"/>	<input type="checkbox"/>
• a personnel profile (to include home address/phone number)?	<input type="checkbox"/>	<input type="checkbox"/>
• medical history?	<input type="checkbox"/>	<input type="checkbox"/>

**DETERMINATION OF SENSITIVITY OF UNCLASSIFIED INFORMATION
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(continued)

2. FINANCIAL/BUDGETARY INFORMATION (OMB CIRCULAR A-11)

If you answer "YES" to any question in this category, the information should be considered sensitive.

	YES	NO
Does the information contain contract bidding information?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information contain site operating expenditures?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information address security expenditures?	<input type="checkbox"/>	<input type="checkbox"/>

3. MISSION ESSENTIAL-RELATED INFORMATION (OMB CIRCULAR A-130/Apdx III, DOE ORDER 5500.7B)
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If you answer "YES" to any question in this category, the information should be considered sensitive.

	YES	NO
Would the loss of this information adversely impact the ability of the site/organization to perform its mission?	<input type="checkbox"/>	<input type="checkbox"/>
Would the loss or unavailability of this information adversely impact the system or application users or customers?	<input type="checkbox"/>	<input type="checkbox"/>
Does the application used to process this information support other systems or an operation which must be continued to completion without interruption?	<input type="checkbox"/>	<input type="checkbox"/>
Is the application that processes this information solely dependent on automated means for execution?	<input type="checkbox"/>	<input type="checkbox"/>
Is the information necessary to assure the continuity of essential Governmental activities during and following national emergency conditions?	<input type="checkbox"/>	<input type="checkbox"/>

**DETERMINATION OF SENSITIVITY OF UNCLASSIFIED INFORMATION
QUESTIONNAIRE/CHECKLIST**
(continued)

4. FREEDOM OF INFORMATION ACT (FOIA) EXEMPTION INFORMATION (DOE ORDER 1700.1)
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The FOIA (pages II-9 and II-10) lists various types of information that is exempt from the public disclosure requirement. If you answer "YES" to any question in this category, the information should be considered sensitive.

	YES	NO
Was the information provided to the Department in confidence, or with restrictions on its use (i.e., trade secrets, commercial or financial information), from an individual or private business entity (See additional criteria listed on pages II-9 and II-10 of the FOIA)?	<input type="checkbox"/>	<input type="checkbox"/>
Is the information related solely to internal personnel rules and practices of the Department?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information consist of intra-Department or inter-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Department?	<input type="checkbox"/>	<input type="checkbox"/>
Is the information related to geological and geophysical information and data, including maps concerning wells?	<input type="checkbox"/>	<input type="checkbox"/>

**DETERMINATION OF SENSITIVITY OF UNCLASSIFIED INFORMATION
QUESTIONNAIRE/CHECKLIST**
(continued)

5. SECURITY-RELATED INFORMATION (DOE ORDER 5000.3B)
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If you answer "YES" to any question in this category, the information should be considered sensitive.

	YES	NO
Does the information pertain to the occurrence or reporting of a significant incident (such as theft, intrusion/unauthorized access, viruses, or other misuse/abuse of Federal resources)?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information relate to risk or vulnerability assessments which identify weaknesses in Departmental automated data processing (ADP) resources that may be exploited?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information relate to investigatory records, techniques, or procedures compiled for either law enforcement purposes, or for an agency conducting a lawful national security intelligence investigation?	<input type="checkbox"/>	<input type="checkbox"/>

**DETERMINATION OF SENSITIVITY OF UNCLASSIFIED INFORMATION
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(continued)

6.	UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION (UCNI) (DOE ORDER 5635.4, DOE ORDER 5650.3A)
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If you answer "YES" to any question in this category, the information should be considered sensitive. If you are unsure of how to answer any question, contact an authorized UCNI Reviewing Official.

	YES	NO
Does the information relate to the design of an atomic energy defense program production or utilization facility?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information concern production, processing, or utilization of nuclear material for atomic energy defense programs?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information concern physical security measures of an atomic energy defense program facility?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information concern physical security measures for the protection of nuclear material to be used for military applications?	<input type="checkbox"/>	<input type="checkbox"/>
Does the information concern the design, manufacture, or utilization of nuclear weapons that was once classified as Restricted Data (RD), but which has since been declassified?	<input type="checkbox"/>	<input type="checkbox"/>

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(continued)

7. CONTROLLED SCIENTIFIC AND TECHNICAL INFORMATION (DOE ORDER 1430.1D)

If you answer "YES" to any question in this category, the information should be considered sensitive. See a Technical Information Representative, Technical Information Officer, Classification Officer, Program Manager, or an authorized Derivative Classifier for help in determining the correct procedures for handling Controlled Scientific and Technical Information.

Does this information relate to:

	YES	NO
• Patent Sensitivity?	<input type="checkbox"/>	<input type="checkbox"/>
• Protected CRADA ³ Information?	<input type="checkbox"/>	<input type="checkbox"/>
• Export Controlled Information?	<input type="checkbox"/>	<input type="checkbox"/>
• Small Business Innovation Research (SBIR) ⁴ ?	<input type="checkbox"/>	<input type="checkbox"/>
• Naval Nuclear Propulsion Information?	<input type="checkbox"/>	<input type="checkbox"/>
• Proprietary Data ⁵ ?	<input type="checkbox"/>	<input type="checkbox"/>
• Official Use Only Information ⁶ ?	<input type="checkbox"/>	<input type="checkbox"/>
• Applied Technology Information ⁷ ?	<input type="checkbox"/>	<input type="checkbox"/>
• Protected Battery Information ⁸ ?	<input type="checkbox"/>	<input type="checkbox"/>

³ CRADA - Cooperative Research And Development Agreement - a contract between federal and nonfederal parties that may result in the exchange of information that: embodies trade secrets developed at private expense outside a CRADA; contains commercial or financial information that is privileged or confidential under the Freedom of Information Act 5 USC 552 (b)(4); and, is marked as Proprietary Information.

⁴ The Small Business Innovation Development Act provides for contractor retention of rights in data generated in performance of a contract under the SBIR authority.

⁵ Defined as technical data which embodies trade secrets developed at private expense.

⁶ "Official Use Only (OUO)" is official information that has not been given a security classification pursuant to the criteria of a statute or executive order, but that may be withheld from public disclosure under the criteria of the Freedom of Information Act (FOIA) -- as defined in Draft DOE Order 5639.9, "Identification and Protection of Official Use Only Information," April 1993. OUO is not an official DOE information "classification category."

⁷ Including energy research, energy use projections, waste management, weapons data, environmental remediation and engineering studies, or economic or other social science research.

⁸ Information that results from activities conducted by the U. S. Advanced Battery Consortium or its contractors or by participants in the hybrid vehicle propulsion development program and their contractors. This special CRADA requires longer protection times than other CRADAs.

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REFERENCES**

PRIVACY ACT OF 1974, Public Law 93-579. AN ACT TO AMEND TITLE 5, UNITED STATES CODE, BY ADDING A SECTION 552A TO SAFEGUARD INDIVIDUAL PRIVACY FROM THE MISUSE OF FEDERAL RECORDS, TO PROVIDE THAT INDIVIDUALS BE GRANTED ACCESS TO RECORDS CONCERNING THEM WHICH ARE MAINTAINED BY FEDERAL AGENCIES, TO ESTABLISH A PRIVACY PROTECTION STUDY COMMISSION, AND FOR OTHER PURPOSES.

1800.1A, PRIVACY ACT, 8-31-84. PURPOSE: TO ESTABLISH GUIDELINES AND PROCEDURES FOR IMPLEMENTING THE PRIVACY ACT OF 1974 (PUBLIC LAW 93-579, TITLE 5, U.S.C. 552A) IN THE DEPARTMENT OF ENERGY. THIS ORDER APPLIES TO ALL DOE ELEMENTS AND CONTRACTORS PERFORMING WORK FOR THE DOE AS PROVIDED BY LAW AND/OR CONTRACT AND AS IMPLEMENTED BY THE APPROPRIATE CONTRACTING OFFICER.

OMB CIRCULAR NO. A-11, "PREPARATION AND SUBMISSION OF BUDGET ESTIMATES." THE INSTRUCTIONS IN THIS CIRCULAR APPLY TO ALL AGENCIES OF THE GOVERNMENT AND GOVERNMENT-SPONSORED ENTERPRISES, EXCEPT AS SPECIFIED. BUDGET SUBMISSIONS MUST BE PREPARED IN ACCORDANCE WITH THESE INSTRUCTIONS, UNLESS A SPECIFIC EXCEPTION IS APPROVED IN WRITING BY OMB. REQUESTS FOR EXCEPTIONS MUST BE SUBMITTED TO OMB IN WRITING BY AUGUST 1, AS PRESCRIBED.

OMB CIRCULAR NO. A-130, "MANAGEMENT OF FEDERAL INFORMATION RESOURCES," 12-12-85 SETS BASIC GUIDELINES FOR THE COLLECTION, PROCESSING, AND DISSEMINATION OF INFORMATION BY FEDERAL AGENCIES, AND FOR THE MANAGEMENT OF FEDERAL INFORMATION SYSTEMS AND TECHNOLOGY, AS WELL AS REVISING EXISTING DIRECTIVES ON PRIVACY, COMPUTER SECURITY, AND COST ACCOUNTING FOR FEDERAL COMPUTER AND TELECOMMUNICATIONS FACILITIES.

APPENDIX III OF A-130, "SECURITY OF FEDERAL AUTOMATED INFORMATION SYSTEMS," ESTABLISHES A MINIMUM SET OF CONTROLS TO BE INCLUDED IN FEDERAL AUTOMATED INFORMATION SYSTEMS SECURITY PROGRAMS; ASSIGNS RESPONSIBILITIES FOR THE SECURITY OF AGENCY AUTOMATED INFORMATION SYSTEMS; AND CLARIFIES THE RELATIONSHIP BETWEEN SUCH AGENCY SECURITY PROGRAMS AND ESTABLISHED INTERNAL CONTROL SYSTEMS. THE APPENDIX INCORPORATES RESPONSIBILITIES FROM APPLICABLE NATIONAL SECURITY DIRECTIVES.

5500.7B, EMERGENCY OPERATING RECORDS PROTECTION PROGRAM, 10-23-91. PURPOSE: TO ESTABLISH THE POLICY, RESPONSIBILITIES, AND REQUIREMENTS FOR A DEPARTMENTAL EMERGENCY OPERATING RECORDS PROTECTION PROGRAM TO SAFEGUARD THAT CORE OF RECORDS DEEMED NECESSARY TO ASSURE CONTINUITY OF ESSENTIAL GOVERNMENTAL ACTIVITIES DURING AND FOLLOWING DISASTER AND ATTACK-RELATED EMERGENCY CONDITIONS. THE PROVISIONS OF THIS ORDER APPLY TO ALL DEPARTMENTAL ELEMENTS AND TO COVERED CONTRACTORS TO THE EXTENT IMPLEMENTED UNDER A CONTRACT OR OTHER AGREEMENT. A COVERED CONTRACTOR IS A SELLER OF SUPPLIES OR SERVICES INVOLVING THE MANAGEMENT OF AN EMERGENCY OPERATIONS CENTER UNDER A MANAGEMENT AND OPERATING CONTRACT OR SUBCONTRACTS THEREUNDER.

1700.1, FREEDOM OF INFORMATION PROGRAM, 11-19-79. PURPOSE: TO ESTABLISH GUIDELINES AND PROCEDURES FOR THE PROCESSING OF REQUESTS MADE TO THE DEPARTMENT OF ENERGY (DOE) UNDER THE FREEDOM OF INFORMATION ACT (FOIA). THE POLICIES AND PROCEDURES STATED IN THIS ORDER SHALL BE INTERPRETED SO AS TO BE CONSISTENT WITH THE PRIVACY ACT OF 1974, 5 U.S.C. 552A (PUBLIC LAW 93-579).

5000.3B, OCCURRENCE REPORTING AND PROCESSING OF OPERATIONS INFORMATION, 2-22-93. PURPOSE: TO ESTABLISH A SYSTEM FOR REPORTING OF OPERATIONS INFORMATION RELATED TO DOE-OWNED OR OPERATED FACILITIES AND PROCESSING OF THAT INFORMATION TO PROVIDE FOR APPROPRIATE CORRECTIVE ACTION IN ACCORDANCE WITH THE POLICY SET FORTH IN PARAGRAPH 6 OF THIS ORDER. EXCEPT AS NOTED BELOW, THE PROVISIONS OF THIS ORDER APPLY TO DEPARTMENTAL ELEMENTS AND CONTRACTORS PERFORMING WORK FOR THE

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DEPARTMENT AS PROVIDED BY LAW AND/OR CONTRACT AND AS IMPLEMENTED BY THE APPROPRIATE CONTRACTING OFFICER.

THIS ORDER DESCRIBES THE REQUIREMENTS FOR REPORTING AND PROCESSING OF OCCURRENCES RELATED TO THE OPERATION OF THOSE DOE-OWNED OR OPERATED FACILITIES DEFINED IN PARAGRAPH 5 INCLUDING OCCURRENCES RELATED TO SAFETY, HEALTH, SECURITY, PROPERTY, OPERATIONS, OR ENVIRONMENT UP TO AND INCLUDING EMERGENCIES. SPECIFICALLY EXCLUDED FROM THIS ORDER ARE:

- A. OCCURRENCE REPORTING AND PROCESSING OF OPERATIONS INFORMATION FOR ACTIVITIES THAT ARE REGULATED BY THE NUCLEAR REGULATORY COMMISSION (NRC) OR A STATE UNDER AN AGREEMENT WITH NRC;
- B. REPORTING BY THE POWER MARKETING ADMINISTRATIONS OF MAJOR ELECTRICAL POWER OUTAGES, DISTURBANCES, AND FUEL SHORTAGES, WHICH ARE SUBJECT TO THE EMERGENCY POWER SYSTEM REPORTING REQUIREMENTS PRESCRIBED 10 CFR 205, 350-354, REPORT OF MAJOR ELECTRONIC UTILITY SYSTEMS EMERGENCIES;
- C. THE NAVAL NUCLEAR PROPULSION PROGRAM; AND,
- D. ADDITIONAL REPORTING AS REQUIRED BY EXTERNAL REGULATORY AGENCIES.

5635.4, PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, 2-3-88. PURPOSE: TO ESTABLISH DOE POLICY AND PROCEDURES FOR THE PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. THE PROVISIONS OF THIS ORDER APPLY TO ALL DEPARTMENTAL ELEMENTS AND CONTRACTORS PERFORMING WORK FOR THE DEPARTMENT AS PROVIDED BY LAW AND/OR CONTRACT AND AS IMPLEMENTED BY THE APPROPRIATE CONTRACTING OFFICER.

5650.3A, IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, 6-8-92. PURPOSE: TO ESTABLISH POLICY AND PROCEDURES FOR IDENTIFYING UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION (UCNI) AND FOR REVIEWING AND MARKING DOCUMENTS AND MATERIAL CONTAINING UCNI. THE PROVISIONS OF THIS ORDER APPLY TO ALL DEPARTMENTAL ELEMENTS AND CONTRACTORS PERFORMING WORK FOR THE DEPARTMENT AS PROVIDED BY LAW AND/OR CONTRACT AS IMPLEMENTED BY THE APPROPRIATE CONTRACTING OFFICER.

1430.1D, SCIENTIFIC AND TECHNICAL INFORMATION MANAGEMENT, 6-30-94. PURPOSE: TO ESTABLISH DEPARTMENT OF ENERGY (DOE) POLICY AND REQUIREMENTS TO ENSURE THE INTEGRATION OF SCIENTIFIC AND TECHNICAL INFORMATION MANAGEMENT INTO APPLICABLE DEPARTMENTAL PROGRAMS AND ACTIVITIES. THIS DIRECTIVE APPLIES TO ALL DOE ELEMENTS. ATTACHMENT II SETS FORTH REQUIREMENTS THAT ARE TO BE APPLIED BY THE COGNIZANT DOE ELEMENT TO THE UNIVERSE OF CONTRACTORS AWARDED DOE PROCUREMENT CONTRACTS, FINANCIAL ASSISTANCE, AND SUBAWARDS, THEREUNDER WHICH INVOLVE THE GENERATION OF SCIENTIFIC AND SPECIFICALLY EXCLUDED IN THE AGREEMENT UNDER WHICH THE WORK IS PERFORMED.